

1888-027 Chancery Causes: L. P. Kane to vs. James E. Collier to  
Lee Co.

Barker, Benson, McGeorge, Gibson, Altimus, Scott, Barron,  
Hamilton, Wisely, Peterson, Shoop, Moore

CA-Contract Dispute  
T-Property



To the Honorable H. S. K Morrison Judge  
of the Circuit Court of Lee County Va.  
Your Orators J P Kane a citizen  
of Scott County Va J M. Barker and  
wife Maggie A Barker citizens of Sullivan  
County Tennessee, Edward Benson <sup>Jr</sup>  
McGeorge Jr and Joseph B. Altemus  
citizens of Philadelphia Pa  
Humbly Complaining sheweth unto  
Your Honor that they are the joint  
owner of a certain tract of land  
situate in the Counties of Scott Lee & Wise  
being a large Survey known as  
the McCreday ~~or~~ Patrick Survey  
lying on Stock <sup>breeds</sup> North fork of Clinch  
river and Pawells Mountain - for  
a more definite description of Land  
reference is here made to the deed  
executed by Joseph Matland to H. S.  
Kane deed in the year 1855 and to  
the deed of W. D. Jones to Altemus  
Benson & McGeorge which deeds will  
be filed or copies of same as a part  
of this Bill Mark. A & B. on or before  
the hearing of this cause. if deemed  
necessary - Your Orator J P Kane  
will state that he sold to W. D. Jones  
the interest he inherited from his  
father H. S. Kane deed but inherited



by will of his Sister Hannah Callaway  
formerly Kane a one 5<sup>th</sup> interest in  
Said land & still owns the same. Your  
Orator Maggie A. Barker formerly  
Kane is also the heir of H. S. Kane  
deced & inherited a one 5<sup>th</sup> interest  
in said land from her said father.  
Your Orators will further state that  
the said H. S. Kane held possession  
of said lands from the time he  
purchased same in 1855 until his  
death in 1876. and since his death  
Your Orators and those under whom  
they claim have held possession  
of same and have had renters  
& tenants upon it & have exercised  
acts of ownership over it continuously.  
Your Orators further state & believe  
and charge that within the  
last few weeks. One James E. Collier  
a citizen of Lee County Va has gone  
upon that part of said land above  
described which lies in said County  
of Lee without any authority from  
Your Orators, or any one else having  
any legal or equitable title or claim  
to said land, and has cut felled  
and sawed into saw logs a large



Valuable lot of Poplar timber belonging to your orators, and as they are informed believe and charge have contracted & sold, or pretended to sell to one E. A. Gibson a citizen of Lewis County and that the said James B. Collier and Gibson are now removing or having removed off said land said logs for the purpose of appropriating the same to their own use for the purpose of defrauding your orators. And if permitted to do so would do your orators irreparable injury. They are further informed do believe and charge that the said James B. Collier has now cut about 90 poplar trees off said land of your orators ~~land~~ & has moved a part of same on to the lands of James Barnes ~~land~~ on the north fork of Clinch in the open end of said County of Lee & is still removing more of said timber. Your orators charge & believe that said Gibson has knowledge that the said timber so cut is claimed & belongs to your orators. The amount of ~~timber~~ timber now cut & sawed into saw logs by the said Jas B. Collier is



worth the just & full sum of \$300<sup>00</sup>.  
And that by reason of said trespass  
against the property of your orators  
in the destruction of their timber  
and other damages to said real  
estate. They are damaged the  
further sum of \$15000, both of  
which sums they believe to be  
just by reason of the wrongs  
afore said. Your orators are  
informed, believe & charge that  
the said Jas E. Collier is a poor  
man, & that according to the  
ordinary process of law a debt  
could not be collected off of  
him. They further charge that  
the said Collier is committing  
great waste in their cutting  
and removing their timber,  
and unless restrained by your  
honor. Your orators will suffer  
great irreparable injury. That  
said Collier is cutting said  
timber without any authority  
whatever, and for the purpose  
of fraudulently injuring your  
orators, and that the said L. A.  
Gibson is aiding him in so doing by



contracting & purchasing said  
timber. Your orators being without  
adequate remedy at common law.  
They are advised that a Court  
of equity will protect their  
rights & afford relief to stay  
waile irreparable injury. The  
premises considered. The prayer  
of your orators is that the said  
Jas E. Collier & C. A. Gibson be  
made defendants to their bill.  
That they be required to answer  
the same fully & truly. That they  
and each of them and all other  
persons be enjoined & restrained  
by writs of injunction from  
selling removing or in any  
way interfering with said  
saw logs that have been  
removed off of your orators  
land or one Jas Barnes land  
or with the logs <sup>or timber</sup> still remaining  
on your orators land until  
the further order of this Court.  
That a receiver be appointed  
to take charge of said logs.  
That the said Jas E. Collier  
& C. A. Gibson be perpetually  
enjoined from further committing



waste on said land of your orators  
and upon a final hearing of this  
cause. Your honor desire that  
said logs be turned over and  
delivered to your orators, and that  
judgment be rendered against  
said defendants for all damages  
sustained by your orators by  
reason of the wrongful acts of  
the defendants aforesaid, and  
if in anything your orators have  
missed their remedy. They pray  
for general relief. May the  
Commonwealths writ of ~~Spa~~  
issue directed &c.

Richard Hildway & Ewing. pg

Lee County Va.

This day J. F. Hume appeared in per-  
son before me John A. G. Hyatt  
Clerk of the Circuit Court  
of said County & State, and  
made oath that the matters  
in the foregoing bill, stated  
as of his own knowledge  
are true & those stated upon  
the information of others he  
believes to be true. Given  
under my hand this 10<sup>th</sup> day Feb  
1888.  
J. A. G. Hyatt C.C.



6 11.35-  
5 2.50  
Sept 12.00  
15.00  
\$40.85-

H & C-  
J. P. Kane et al  
vs 3 Inj Bill  
Jas E. Collier et al

Injunction granted as  
prayed for in the bill and  
each of said Defendants  
To James E. Collier & C. A.  
Robson are enjoined and  
inhibited from cutting  
selling or removing any  
timber or saw logs from  
the tract of land men-  
tioned in the bill or from  
committing any waste  
thereon. But this in-  
junction is not to be  
operative until the  
said complainant or  
some one for him shall  
have & entered bond be-  
fore the Clerk of the cir-  
cuit Court of Lee County  
in a penalty of \$400. con-  
ditioned to pay all dam-  
ages & costs sustained by  
any person should  
this injunction be  
dissolved

Subscribed 10/1888

Chas. Dunsen Judge

1888 Mr. Bill filed Spa  
Executed on James E.  
Collier, & his answer  
filed, & cause set. for  
hearing as to Deft Collier  
" Contd  
S't continued  
1888 Decr. Decree final



To the Honorable H. S. K. Morrison Judge of  
the Circuit Court of Lee County 7<sup>th</sup>

The separate answer and demurrer of  
James E. Collier to a bill exhibited against  
him and another, in this Honorable Court  
by J. P. Kane and others,

This respondent says the complainants' bill is not sufficient in law to call upon him to answer but that there is good cause of demurrer thereto and he demurs accordingly and not waiving said demurrer kept relying and insisting thereon for answer to said bill or so much thereof as he is advised it is material for him to answer answering says that he knows nothing whatever of the said sexual convergences mentioned in said bill nor does he know anything of the will of the said Honniah Coloway but he requires full and strict proof of each. Nor does he know anything of the lines or boundaries of the McBrady or Patvick survey and he requires full and strict proof thereof. He has frequently been informed that the land owned and claimed by him is not within said survey and as the complainants claim under said survey he demands that they show by



full complete and perfect proof by  
actual survey that it does cover it.  
Respondent here expressly denies  
that he has ever cut any timber or com-  
mitted any trespass or waste upon  
The complainants lands or the lands  
of either of them. It is true <sup>respondent</sup> has been  
cutting timber on lands in the wild  
cat valley but these lands where he  
cut said timber are his own, they have  
been in his possession and those  
under whom he claims for a period  
as he is informed for more than 30 years.  
He himself has been occupying using  
<sup>said land</sup> and cultivating part of the said land  
for 5 years, and John Collier under  
whom he claims has had the possession  
of the same claiming using it and  
cultivating it as his own for more  
than 25 years before he sold it to  
your orator and put him in possession  
of it. Your orator will now show  
your Honor that some 30 or more years  
ago, Henry Kane who claimed to have  
some kind of title to lands on Powell  
Mountain sold to one John Collier  
under whom respondent claims, a  
boundary of land supposed to



contain a hundred acres for which  
the said John paid him, the sum  
of \$50. and the said Kane agreed  
to make to said Collier a quit claim  
deed but he never did make said  
deed and therefore your orator  
cannot say where said 100 acres  
are situated, but if it should turn  
out that said lands ~~are~~ owned  
by said Mr Brady survey then he  
claims the same under said pur-  
chase ~~from~~ John Collier from  
said Kane, but as above stated he  
claims said land adversely to every  
body he is <sup>in</sup> the possession thereof  
and has paid the taxes thereon for  
11 years and he is fully satisfied  
that said Kane or those claiming  
under him have not paid any taxes  
on the same during that time  
he denies that they the complain-  
ants or any one under whom they  
claim ever had actual possession  
of said lands from which he cut said  
timber or any part of it he denies  
that he ever sold to A. Gibson any  
timber off of said land or that said  
Gibson ever had or has he ever



any interest of any kind in said land  
here or that he ever in any way claimed  
any interest in it so far as he knows  
he denies that said complainants  
or any of them or the said Henry  
I have under whom they claim now  
or ever had any right or title to said  
land. His plaintiff admits he is  
not a millionaire, but he is able  
to pay any damage he has done  
to complainants land or any land  
to which they have title, and now  
here expressly denying every allega-  
tion in said bill not herein before denied  
admitted or confessed and prayed  
he prays to be hence dismissed with  
his costs.

James E. Collier  
by  
C. F. Duncan his atty

Thomas H. Lee County to wit  
J. J. & J. R. Smith Clerk of the  
Municipal Court for Lee County do hereby  
certify that James E. Collier  
personally appeared before me and  
made oath as to the above  
facts that the statements made



be given in the foregoing manner  
as far as made on his own  
knowledge are true and so  
as far as made on information  
derived from others he believes  
them to be true. Given under  
my hand this the 5<sup>th</sup> day of  
March 1885 J. H. Bryant & Co



James E. Collins  
and  $\frac{1}{2}$  Partner.

J. P. Lane et al

Trustee of the  
of the



To the Honorable J. H. H. Morrison Judge  
of the Circuit Court of the County, Va.  
The separate answer of James L. Scott  
to a writ issued against him on the  
3<sup>rd</sup> day of April 1888 on an affidavit  
filed in the above any cause of P. H. H.  
& others vs James L. Scott, it is by P.  
H. H.

This respondent positively denies  
that he has discharged in any way  
the injunction granted in this cause  
on the 10<sup>th</sup> day of February 1888 by the  
Judge of the County Court of Lee County  
Va. <sup>is engaged in the same manner and he</sup>  
Respondent, and one C. L. Hume  
bliss about the first day of January 1888  
purchased from James L. Scott a  
lot of Poplar trees sufficient to make  
as estimated 100,000 feet of lumber.  
These trees were standing on a tract  
of land claimed by the said James  
L. Scott and on which he then and  
now lives as this respondent has  
been informed. Shortly after making  
this purchase, and about the 10<sup>th</sup>  
or 15<sup>th</sup> days of January respondent  
and said Hume sold and trans-  
ferred their said contract to one  
James P. Barron and since he



made said sale he has had nothing  
wholome to do with said timber  
Respondent never cut a single tree  
on said land nor never had an out  
let one single tree was cut from  
said land before the sale made  
said Darius as aforesaid. And  
Respondent has had nothing what  
ever to do with said timber trees or  
logs since the granting of said in  
formation nor did he give any au  
thority to any one since the grant  
ing of said information to cut or  
remove said timber. And now  
having fully answered said affi  
davit and oath he prays to be hence  
discharged with his costs.

James C. South by  
his attorney

of Lee County To wit

This day J. C. South personally  
appeared before me J. A. G. Hyatt Clerk  
of the Circuit Court of Lee County and  
made oath that the facts stated in  
the foregoing answer so far as made  
upon his own knowledge are true and  
so far as made an information derived  
from others he believes them to be true  
Given under my hand this the 5<sup>th</sup>  
day of April 1858

J. A. G. Hyatt C. C.



V. C. Smith

and 2 others to the

Have it also

Liberty B. B. B. B.

1885. J. C. B. B. B.



To the Honorable M. L. Morrison Judge of  
the Circuit Court of this County 23

The undersigned names of James B.  
Collins to a writ awarded against him  
and return on the affidavit of J. H. Lane  
in the above case of J. H. Lane &  
others vs James B. Collins and others  
and now pending in this Honorable  
Court this was found positively and  
emphatically decided that he has dis-  
obeyed in any way either <sup>in</sup> spirit or in  
fact the order of injunction granted  
by the Judge of the County Court of this  
County in this case. He positively  
denies that he has removed or given  
any permission to any person what-  
ever to remove said timber or any part  
of it from said lands, since he had  
information that said injunction  
had been granted.

W. L. Dismann, for.  
J. B. Collins

Virginia Hill County, Tenn

This day James B. Collins for-  
sawally appeared before me and  
made oath that the facts stated in the  
above answers are true. Given under  
my hand this 27 day of April 1888

D. H. Dismann J. C.



Duff's object is neither more, ~~than~~  
as being insufficient in this, he fails to  
state that there was no ~~intention~~ or  
~~high~~ <sup>to his knowledge</sup> intention. He says that he  
there was any violation <sup>in</sup> of the injunction  
in any way it was done without his knowledge  
or consent which he fails to do

He also says, "I was not there"

J. B. Collins  
also 3 answers to  
J. P. Hamill



To the Hon. H. L. K. Morrison Judge  
of the Circuit Court of Lee County  
Va.

The demurrer and separate  
answer of James P. Barron, to  
a rule awarded against him in  
the Chancery Cause of J. P. Kane  
against James Leath et al, now  
pending in this Hon. Court.

Respondent says there is no  
legal grounds for said rule  
against him, and of this he prays  
Judgment of the Court.

But if any other or further  
answer be deemed necessary an-  
swering he says, he is not a  
party to said suit, was never  
served with process or otherwise  
notified of the plaintiffs claim, to suit  
himself only as rumor detailed it  
in the neighborhood, and he denies  
having done any trespass or injury  
to the plaintiffs before or since  
service of the rule on him on  
yesterday April 4<sup>th</sup> 1888; and so he  
is advised that before he can  
be held liable in this proceeding  
it devolves upon the plaintiffs to

act by summons or other, or amend claim so soon as he heard of the court order.



make him a party to his proceeding  
and allege some legal liability against  
him - when that is done, respondent  
will be ready to answer. Now  
having now fully answered he prays  
to be dismissed with his costs &c.

A. L. Pickens  
for respondent

Entered to before me in due  
form by Jas P. Barron April 5 1858

James D. Harrison  
Atty J. Johnson on  
behalf of  
J. D. Howe



J. T. Kane et al. vs. J. T. Kane

vs.

3 In Chancery

James & Co. et al. vs. J. T. Kane

vs.

This cause came on this day to be heard on the bill of the complainant the answer of the defendant James & Co. et al. and the written agreement between J. T. Kane and James & Co. et al. this day filed in the cause marked, "A, B" and was argued by counsel.

On consideration whereof it is by consent of parties, by their counsel, adjudged, ordered and decreed that <sup>and</sup> cause be and the same is hereby dismissed pursuant to said written agreement, and it is further ordered that the Clerk of this Court deliver said written agreement to the Clerk of the County Court, together with a copy of this decree to be by him returned in the proper books in his office and said cause is stricken from the docket. Second said written agreement as a part of this decree and the cause is stricken from the docket.



J. P. Hamel  
75  $\frac{6}{3}$  Birmingham  
L. & G. Collins. Cal.

Enter the above  
H. L. K. M.  
Dec 8<sup>th</sup> 1898



J. P. Kountze } In Law.  
29  
L. C. Calverton }

On motion of complainant in this cause  
and on an Affidavit filed herein  
a rule is awarded against L. C. Calverton  
James P. Kountze, James H. Kountze  
C. H. Gibson & John Calverton returnable before  
the judge of this court on the fourth ~~of~~<sup>th</sup>  
day of this term of the court. To show  
cause if any they can why they  
should not be fined & imprisoned for  
their contempt in disobeying the injunction  
antefur awarded in this cause.



J. P. K. 201-  
no 3 1865

L. E. Cooper

Centennial Album

C. B. pages 110-114

W. J. G. 201

April 30 1865

Enter this book

L. E. K. M.



J. P. Kane

vs } Depositions

James Callier et al

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Rec'd through the  
Mail in good condition  
from J. P. before whom  
taken and filed  
March 14<sup>th</sup> 1888

J. W. Hyatt & C

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Cost of Depo. \$12.00



The depositions Louis Hamilton, Isaac  
Collier ~~son of James~~ <sup>Solomon Collier</sup> and others. Taken  
before me John Riddle a Justice of the Peace  
in and for the County of Lee and State of  
Virginia. at Wards Mill in the Beech  
Creek Valley. pursuant to notice on the  
8<sup>th</sup> day of March 1888. to be read in  
evidence in a suit now pending in  
in the Circuit Court of Lee County  
wherein J. P. Kane and others are the  
Complainants and James Collier  
and others are defendants.  
Present Geo. A. Ewing Atty for Comps  
and J. C. Scott & J. Gibson & James  
Collier for depts.

~~Quest. -~~

The first witness Solomon Collier  
of lawful age after being duly  
sworn deposes as follows.

Quest - State whether or not you saw  
James Collier cutting <sup>or having cut</sup> Poplar timber.



on the lands included in the McCreey  
or Patrick Survey: If so State when it  
was and where he was cutting said timber:  
Ans- yes sir I saw them cutting (that is  
Colier's hands) timber on lands included  
in the McCreey or Patrick Survey about  
one month ago, and my understanding is  
that they are hauling now. This timber  
is cut South of J. E. Colier's house on the  
north side of Bowles Mountain

Ques 2. How many Saw logs have you seen  
(if any) cut from this land by  
Joe Collier or his hands

Ans- I suppose about two-hundred  
Saw-logs, perhaps more or less.

And further said note-

Soloman & Collier

The further taking of their depositions  
is continued until tomorrow morning  
at 8 o'clock. This March the 8-1888

John Riddle J.P.

Met pursuant to the adjournment this March  
the 7-1888

John Riddle J.P.



The next witness Isaac Wisely - after being  
duly sworn says -

Ques 1- You will please state if you  
harmed the timber <sup>& saw to make them</sup> cut by James  
Collier on the land in dispute  
in this suit. If so state about how  
much was cut - and its value -  
& quality of timber.

Ans- I saw two hundred & seventeen  
logs that were said to be cut on the  
land now in controversy, worth about  
four hundred & thirty four dollars, and  
one of the hands who was logging that there  
was one hundred logs yet that I did  
not see, would be worth two hundred  
dollars

Ques 2. You will state whether or not said  
 train was being <sup>4, or having off</sup> moved <sup>orders</sup> yesterday,  
 so by whose ~~order~~ <sup>orders</sup> did you understand they  
 were being moved?

Ans ~~By~~ IT was one of the parties sides



he was logging for James McConnell  
and that McConnell was working for  
James Barnes

Ques-3. Please state what damage (if any)  
was done to the land and other timber  
by the cutting felling & removing said  
poplar timber;

Ans I would think about Twenty  
five dollars.

And further saith not.

Isaac Wisely

The depositions of Isaac Wisely and  
Solomon Collier are accepted because wholly  
in their own handwriting & being sworn by the  
Counsel for Complainants also because neither  
of said witnesses gives any boundaries  
of Hanes land or any knowledge or survey  
ing by which they show said Hanes title  
papers cover said land

April 2<sup>d</sup> 1888

W. J. Duran  
for Defts



The next witness Thos L. Peterson after being  
duly sworn says -

Ques: You will please state if you  
have examined the timber said to have  
been cut by James Bellin upon the  
lands in controversy in this suit.  
Afs: I state about how much was cut -  
the quality of timber and its value,  
Ans: I saw and examined two hundred  
and seventeen logs worth four hundred  
and thirty four dollars, and one of the logs  
that was logging said there was one  
hundred logs yet to haul worth two  
hundred dollars; it is all good timber  
Ques 2. You will state whether said timber  
was being hauled or moved off yester  
day If so. by whose orders did you  
you understand it was being moved  
~~by~~

Ans. It was being moved yesterday. ~~It was~~  
I heard one of the men hauling the timber, said



he was hauling for James McConnell  
Ques 3. Please state the damage <sup>if any</sup>  
was done to said <sup>& other timber</sup> land by reason  
of the cutting and felling removing  
+0 of said timber

Ans. About Twenty five dollars

Ques-4- You will state whether or not this  
land from which said timber was  
cut lies in the McCready or Patrick  
Survey owned by the late H. S. Kane  
Dead

Ans. Yes Sir, that timber I saw was  
cut in the McCready or Patrick Survey

Ques-5- You will state whether or not  
the same H. S. Kane during his life  
+ original ownership of said land -

Ans. Yes

Ques 6. State whether or not H. S. Kane's  
heirs since his death have exercised  
ownership of the <sup>& from which said timber was cut</sup> land, and rented  
same ~~at~~ and had tenants upon same

Ans. Yes,

And further said not

Thomas E. Peterson



The foregoing deposition of J L Peterson is  
accepted to be true in handwriting of H H King  
one of Complainants counsel also because  
Mr Peterson shows no acquaintance  
with the lines of said Kinnear Lands which  
will enable to speak as to whose lands  
the timber spoken of is on, and for the  
further reason that he does not state what  
kinds of acts of ownership was exercised  
by the said Kinnear on said land  
April 2-1888.

C. T. Dumas for  
Defts



The next witness W<sup>m</sup> Shoop after being  
duly sworn says-

Ques 1- You will state whether or not  
you was employed by James Leekin  
to assist in cutting the lot of poplar  
timber in controversy in this suit?

Ans- yes sir

Ques 2- If you ever heard James  
Leekin say about how many  
trees he cut on said land.  
please state how many he said he  
had cut?

Ans- about one hundred trees

Ques 3- About how many saw logs  
would they average to the trees?

Ans- I get about three to the tree

Ques- 4- If you have seen any of said  
logs being hauled off said land  
recently state when it was and  
who was having them hauled?

Ans- I have seen them halling them off but dont  
recollect when - and further saith not -  
W<sup>m</sup> X Shoop



The next witness James Moore after  
being duly sworn says—  
Ques 1— You will please state if  
you have been assisting in the  
hauling of the <sup>logs</sup> cut by James  
Collier which is in controversy  
in this suit?

Ans— I have been hauling timber for James  
McConnell & Alfred Huff I don't know who cut it

Ques 2— You will state where this timber was  
cut. How far from where James Collier  
now lives and in what direction from  
his house?

Ans— on the north side of Powell's Mountain  
part of it was close to his house none of it was  
more ~~of it~~ than three hundred yards from his house  
and laid south ~~and~~ west of his house

Ques 3— Who was McConnell & Huff hauling  
these logs for? If you ever heard  
James Barnes say anything about  
the hauling of the timber state what



he said about it?

Ans James Barron is the way I understood them I heard James Barron say to James McNeill that when he got that timber hauled out that <sup>he</sup> was ready to pay them for hauling it

Ques - About how many logs does there been hauled out of said timber?

Ans - There is about 212 logs hauled out

Ques - Have they hauled any of this timber recently if so when?

Ans - we have been hauling every week since we commenced and hauled some yesterday

And further said not

James Moore



The next witness J. P. Kane after duly  
sworn deposes as follows.

Ques 1- You will please state who are  
the owners of that part of the  
McCrady or Patrick Survey off  
which the the timber in controversy  
in this case was cut? Also  
state how they acquired title to  
said lands?

Ans. Jas M. Borders & Maggie A. Borders <sup>his wife</sup>  
Joseph B. Altemus. Wm McGeorge. Edward  
Benson. & J. F. Kane. Maggie A. Borders is  
one of the heirs of H. S. Kane Decd & acquired  
her title by inheritance. Jas M. Borders her husband  
acquired title by marriage. J. F. Kane ac-  
quired his interest & title from Mrs Hannah  
Callaway <sup>Decd</sup> his sister who was an heir of  
H. S. Kane Decd & willed her interest to  
me. Wm McGeorge, Edward Benson and  
Joseph B. Altemus acquired title to this  
land from Wm D. Jones & wife. & H. D. Jones

wife acquired title from H. S. & J. F. Kane  
who are heirs of Henry S. Kane Decd.  
And further sayeth not

J. F. Kane

The foregoing deposition of J. P. Kane  
is accepted to because title cannot  
be proved by parol statements  
No title papers are exhibited either relating  
to said land in Kane or his heirs or any  
other parties

April 2<sup>nd</sup> 1888.

C. T. Dunsen for  
Deft



Lee County to wit:

I John Riddle a Justice of the peace for the County aforesaid in the State of Virginia do certify that the depositions of Solomon Collier, Isaac Wisely, Thomas L. Denton, William Shoop, James Moore and J. P. Kane were duly taken and sworn to by me at the time and place and for the purpose mentioned in the caption, and pursuant to notice which notice is herewith filed, and an agreement of the parties, who were all present either by themselves and counsel. The said depositions were written by me and others in my presence. Given under my hand this the 9. day of March 1888

John Riddle J. P.



Bill of Cost in taking depositions. In the case of I. R. Kane & others - vs James Levens & others which accrued at the instance of Complainants.

John Riddle J.S. taking depositions  
4 Hours at .75<sup>¢</sup> per hour 3.00

Isaac Wisely (day as witness Mulcaugh = \$1.00

Thus L. Peterson / " " " " 50 " " 60 100

Thos " " " "Serving 3 notices 1.50

Swampy Collier - 1 day as a witness .50

Wm Shaw " / " " " " " baby D. F. Kane 50

James Moore / " " " " " 60x 240 57

J.P. Kane	1	"	"	"	"	Mileage	290
-----------	---	---	---	---	---	---------	-----

to B. Turner. Const. Summons 5 Wks. 1.00

\$ 2.00

I certify the above bill of cost is correct -  
Given under my hand this 9 day of March  
1888 - John Riddle J<sup>r</sup>







copy - for  
J. C. Scott  
Personally appeared before me John  
Riddle a Justice of the Peace in  
& for Dist. Court - Thos L. Patterson  
who made oath before me and due  
form of law that - he delivered a  
true copy of the within notice to  
the same - Jas Collins - J. C. Scott  
& J. L. Gibson

Subscribed to & subscribed before  
me this the 8th day of March 1888

John Riddle J. P.  
J. P. for Dist. Court



This day personally appeared  
J. P. Kane before me the undersigned  
and made oath in due form of law  
that he is informed and verily  
believes that since the injunction  
has been granted in the Chancery Cause  
of J. P. Kane & others

against James C. Collier & also  
that the said Jas. C. Collier & Geo.  
Anne Barber & as the Court

have not obeyed the order of the  
Court in that case entered, but  
have knowingly disobeyed the  
same, and have been and are  
now removing the lumber, logs,  
timber &c. situated on the lands  
described in said injunction order  
in utter disregard of the order of  
the Court, and is in contempt  
of the same. Given under  
my hand this the 30th day of  
March 1888.

H. T. Taylor, Clerk

85000  
85000  
19000  
350  
54

J. P. Kamm

affidant.

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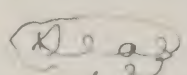
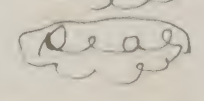
This memorandum of agreement  
made and entered into by and  
between Jas E. Boelien of Lee County  
Virginia of The first part and J. F.  
Kane of Scott County Virginia  
of The second part. Witnesseth  
that I The said Jas E. Boelien  
agree to let a Suit that <sup>is</sup> now  
pending in the Circuit Court  
of Lee County Va of J. F. Kane and  
Others vs myself and Others  
be dismissed at my (the said  
Jas E. Boelien's) cost and judgment  
rendered against me for the  
land at the next of the Lee  
County Circuit Court. and  
I The said Jas E. Boelien agree  
to pay all costs incurred by  
said suit of every kind except  
said Kane's contracted attorney  
fee. Said suit involves the  
title of fifty acres of land  
lying in Wild Cat Valley, Lee  
County Virginia on the north  
side of Doves Mountain in  
the Matthews or Patriest Survey.  
Said Kane agree to sell said  
Boelien twenty five acres of the



land This suit involves at the  
price of two hundred dollars  
Said land is to be run out  
as early as practicable, & is to  
be laid off so as to embrace  
where said Collier now lives  
running back to Jesse Collier's  
line & to the Borner line & around  
with the cliffs. but it is to be  
laid off so as to throw the  
rest of said Kanes adjoining  
land in good shape. and  
said Kane is to <sup>have</sup> a right of  
way through said Collier's  
premises to have any timber  
he may laying back of  
same. Said Kane agrees to let  
said Collier have the timber  
that has been cut and hauled  
from this land down into  
Borner's fields. but said <sup>Kane</sup> is  
to have all the timber that  
has been felled & saved now  
lying on said boundary  
of land this day contracted  
to said Collier. As soon  
as said land is run out  
said Collier is to locate his



notes bearing interest from  
date, one hundred dollars  
payable the 1st of next Novem-  
ber & one hundred dollars  
payable Eighteen months  
after the date of the execution  
of said note with interest  
from date, and said Kane  
further one to execute a  
title bond to said Collin  
for said land, as soon  
as it is run out notes  
are executed, and when  
the purchase money is  
fully paid they one to execute  
a deed conveying their  
interest still to said  
land, Given under our  
hands and seals this the  
30<sup>th</sup> day of August 1888.

Witness: James E. Collins   
Lawrence A. Shepard. J. P. Kane 

Genl C. Collier  
To J. O. Greenleaf  
let for agreement be  
taken w<sup>th</sup> him for  
land & roots.

"A B"



Know all men by these presents  
that we I. P. Kane and James E. Collier  
are held and firmly bound unto the  
Commonwealth of Virginia in the  
just and full Sum of Four Thousand  
Dollars, and for the prompt pay-  
ment thereof we each bind our  
selves heirs &c. and we as to this  
bond remain our honest and con-  
scientious witnesses and hereby declare  
this 10<sup>th</sup> February 1885

The conditions of the above oblig-  
ation is such, that whereas the  
above bonded I. P. Kane obtained  
an injunction from the County  
Court of Lee County enjoining  
and prohibiting James E. Collier  
and he. It Release from cutting  
selling or removing any timber  
or saw logs from the tract of land  
mentioned in the Bill or from  
committing any other waste on  
said land.

Now therefore should the  
above bonded I. P. Kane and  
James and for them pay all  
damages which may be  
sustained by any person

on costs which may be awarded  
against them, then this obli-  
gation to be paid otherwise  
to remain in full force.

J. D. Kane (Sd)  
Wm. H. Kane (Sd)

J. D. Kane et al

vs  
Wm. H. Kane

Case No. 10,000

Filed Feb. 10, 1888.

J. D. Kane et al



Virginia

At a Circuit Court continued and  
held for Lee County at the Court  
House thereof April 3<sup>rd</sup> 1888.

J. P. Lane et al

Plaintiff

vs

James E. Collier et al

Defendants

In Chancery

On motion of Complainants in  
this Cause, and on an affidavit filed  
herein a Rule is awarded against  
J. E. Collier, James<sup>2</sup> E. Scott, James<sup>3</sup> P.  
Barron, James<sup>4</sup> McConnell, C. A. Gibson  
& John<sup>5</sup> Collier, returnable before the judge  
of this Court on the fifth day of this  
Term of the Court to show cause if any  
they can why they should not be fined  
and imprisoned for their contempt in  
disobeying the Injunction heretofore  
awarded in this Cause.

A Copy

Teste J. A. Hyatt C. C.

J. P. Hume et al  
3 Copy of  
No 3 Rule  
Car. E. Collier et al

To 5 copies of the 1st 1880

Executed in J. E. Collier  
James P. Barron John  
Collier by delivering  
to each an attested copy  
and executed in J. E.  
Scott by delivering an  
attested copy Mrs Samuel  
Payne, a white person over  
the age of 16 years, living at  
the house of Samuel Payne  
the place where said  
Scott usually resides, and  
explaining the same to her,  
he being absent, and in  
C. A. Gibson by delivering  
an attested copy to his dau-  
ghter at his usual place  
of abode, and explaining  
the same to her, she being a  
white person over the age  
of 16 years and he being  
absent, and to M. Harris a teamster  
for M. McCall a copy

for him & explained the  
same to him.

R. D. Hume et al



The witnesses to have summoned  
in case of L. F. Kane et al vs  
Jas E. Collins.

Witnesses Louis Hamilton  
Andy Goring, Wm Moore, and  
Alex. Huff.

---

Remove Gibson from the  
suit of Jas Collins. he was  
made a party but has  
no connection with same  
Have a Receiver appointed to look  
after the timber that has been cut  
(Thos L Peterson is a good man)

Wm L. Peterson  
11/11/11

Gratias agere

Feb 30th 1888

Dear friend

J. J. L.

Memo

Lauro

and  
part  
of  
the  
same



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*James C. Collier*  
*and B. A. Gibson*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court  
against *them* by *P. P. Lane* Citizens

*of Scott County Va J. M. Barker wife Maggie A. Barker*  
*Citizens of Sullivan County Tenn Edward Benson*  
*William McGeorge Jr. and Joseph B. Attines*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *10<sup>th</sup>* day of *February* 18*88*, in the 11*2* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste

J. P. Kane et al

vs Spain Chy

James E. Collier et al

Lo March Rules 1888

Executed on James  
E. Collier Feb 18  
1888, not executed  
on C. A. Gibson  
he not being found  
in my bailment

R. D. Gilman, S. L.

Exec on J. E. Collier Feb. 15/1888

The object of this document is to  
to inform the public that the defendant  
nothing selling or promising any  
down from the tract of land mentioned  
in the bill as from committing any waste  
thereon - I am with good security  
having been executed by a corporation  
with the order of the Court of the  
Sugarcane in full force.



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*James E. Collier*  
*and C. A. Gibson*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

by

*them*  
*J. D. Kane citizen of*  
*Scott County Va, J. M. Barker & wife Maggie A.*  
*Barber citizens of Sullivan County Tenn, Edward Benson,*  
*William McGeorge Jr. and Joseph B. Attenius*

And have then and there this writ, Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *10<sup>th</sup>* day of *February* 18 *88*, in the 11 *2* year of the Commonwealth.

A Copy Teste

*J. A. G. Hyatt* Clerk.  
*J. A. G. Hyatt*

The object of this writ is  
To enjoin and inhibit the defendants from  
cutting, selling, or removing any timber or  
saw logs, from the tract of land mentioned in the  
bill, or from committing any waste thereon,  
Bond with good security having been  
executed in accordance with the order  
of the Court.  
Injunction in full force J. A. Hyatt &c

Done  
L. J. Gibson

~~The proper affidavit having been made and  
bond having been executed, the officer  
executing this writ,~~